



STATE OF DELAWARE  
DEPARTMENT OF AGRICULTURE  
DELAWARE HARNESS RACING COMMISSION  
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## Minutes of the Meeting Held May 12, 2009

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The Delaware Harness Racing Commission met for a meeting at Harrington Raceway, Harrington, Delaware at 10:15 a.m. on Tuesday, May 12, 2009.

### Commission Members Present

Beth Steele, Chairman	George P. Staats, Commissioner
Robert B. Brown, Commissioner	Kenneth Williamson, Commissioner
Mary Ann Lambertson, Commissioner	

### Others Present

Andrew Kerber, Deputy Attorney General	Brian Manges, Investigator
Charles Lockhart, VP, Horse Racing, D. Downs	Scott Egger, Presiding Judge
John Hensley, Sr. Dir., Horse Racing, D. Downs	Dr. Annie Renzetti, Chief DHRC Veterinarian
Salvatore DiMario, Executive Director, DSOA	Juli LaBadia, Court Reporter, Wilcox & Fetzer
James Boese, General Manager, HRI	Jo-Ann Price, Paralegal
Karen Craft, Facilities Manager, HRI	Brewer Adams, Owner/Trainer/Driver
John Garey, Esq.	Judy Davis-Wilson, DSBF
Kenneth Mitchell	Richard R. Wier, Jr.
Dr. Emily Galloway	Jenna Caicne, Trainer
Mark Waterman, Trainer	Ollie Ervin, Owner/Trainer/Breeder
Ron Poliquin, Esq.	

### CALL TO ORDER & WELCOME

Chairman Steele called the public session of the meeting to order at 10:15 a.m. and welcomed those in attendance.

### APPROVAL OF MINUTES

Commissioner Brown moved to approve the March 10, 2009 DHRC Minutes as written. Commissioner Staats seconded, and the Motion passed unanimously.

### OLD BUSINESS

None offered.

### NEW BUSINESS

- ✓ Extension of 30-day rule (7.1.3.3.2) Per the DSOA's request, as is the DHRC's policy each year, the rule was extended to 60 days, per a motion made by Commissioner Williamson and seconded by Commissioner

Lambertson. It passed unanimously.

### ✓ Public Hearing – Rule 10 Changes

The proposed changes to Rule 10 came to the Commission at the recommendation of the Rules Committee and include Mr. Kerber's new proposed language for *pro hac vice* admissions. No written or public comments were received. Commissioner Williamson moved they be accepted as

published; Commissioner Staats seconded, and the Motion passed unanimously. An Order was signed indicating the DHRC's final approval. The new Rule 10 will become effective 10 days after publication in the *Register of Regulations* on June 1, 2009.

✓ **License Application  
Hearing - Kenneth  
Mitchell**

Mr. Mitchell was represented by John Garey, Esq. and Richard R. Wier, Jr., Esq. His DHRC license history and previous violations were discussed. After deliberations, the DHRC agreed to issue a conditional license for one year.

✓ **Appeal  
Determination –  
Brewer Adams**

Mr. Adams was represented by Ronald Poliquin, Esq. The appeal determination will be set for the next available DHRC meeting.

✓ **DSBF Redraw**

Mr. Gallagher gave the background of the April 8<sup>th</sup> race and the reasons the DHRC directed a redraw. Mr. Mark Waterman and Mr. Ollie Ervin, two horsemen who were unaware that the date of the draw had changed, reported on their experiences. Mr. Hensley stated the posting of the draw was well within the 18 hour prior requirement. All interested parties will be noticed to attend the June 9<sup>th</sup> DHRC meeting for further discussion.

## REPORTS

### ▪ Administrator's

Mr. Gallagher reported he and Commissioner Brown attended the ARCI meeting in Lexington, Kentucky. There the RMTC announced they plan to shortly set blood levels for steroids testing for the major steroids. Once such standards are set, Delaware's steroids rule should be drafted and referred to Rules Committee. Additionally, a whipping rule was agreed upon, which will also be referred to our Rules Committee for consideration. John Willey has filed a complaint with Mr. Manges; this is his second complaint in two months. Should another incident occur with Mr. Willey, it will be able to be addressed quickly.

### ▪ Chief Veterinarian's

Dr. Annie Renzetti reported that she spoke to Mr. Strug this week about steroid levels and discussed Pennsylvania's experience with changing levels and adjusting their rules accordingly. She asked if DHRC's rules could be drafted as a directive, rather than setting specific levels. Commission Counsel had no objection to this or allowing a grace period, since there is a national standard. She also reported thinner coats show whipping injuries; horsemen are working to reduce the number of cuts. Sadly, there were two breakdowns and consequent euthanizations since the last meeting.

## PUBLIC COMMENT

None offered.

## ADJOURNMENT TO EXECUTIVE SESSION

At 12:06 p.m., Commissioner Lambertson moved to adjourn to Executive Session to discuss personnel issues, Commissioner Staats seconded, and the Motion passed unanimously.

## UPCOMING EVENTS

### DHRC Meeting

06/09/09 – 10:15 a.m.,  
Harrington Raceway

### Rules Committee

06/02/09 – 10:15 a.m. DDA,  
Secretary's Conference Rm.

## ADJOURNMENT

At 1:07 p.m., having no further business, Commissioner Lambertson moved to adjourn, Commissioner Williamson seconded, and the Motion passed unanimously.



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